



application is filed before the issuance of a patent. MPEP §804.01 (8th Edition) *citing* 35 U.S.C. §121.

The above-reference application (serial no. 09/896,877, filed June 29, 2001) and the two patents on which the Examiner relies for the obviousness-type double patenting rejection are directed to separate and patentably distinct species of subject matter from the same priority application (U.S. Patent No. 6,004,835, issued December 21, 1997) in which the Office restricted such subject matter during prosecution (Office Action mailed March 26, 1999 of U.S. Patent No. 6,004,835 (Paper No. 5)). Consequently, pursuant to the above authority, the obviousness-type double patenting rejection is inappropriate and should be withdrawn. Since no other rejections are presented against claims 5-9, such claims are allowable. Applicant respectfully requests allowance of claims 5-9 in the next Office Action.

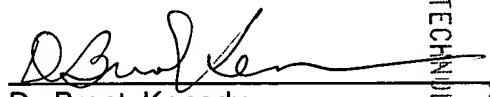
As a courtesy to the Office, the priority data is presented as follows:

- (1) The above-referenced application (serial no. 09/896,877) is a divisional of U.S. Patent No. 6,348,366 which is a divisional of U.S. Patent No. 6,004,835; and
- (2) U.S. Patent No. 6,403,429 is a continuation of U.S. Patent No. 6,300,204 which is a divisional of U.S. Patent No. 6,004,835.

This application is now believed to be in immediate condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview prior to issuance of any such subsequent action.

Respectfully submitted,

Dated: 11-22-02

By: 
D. Brent Kenady
Reg. No. 40,045

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